

IN THE U.S. DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

KATHY A. CATES,

Plaintiff,

vs.

SWIFT TRANSPORTATION COMPANY  
OF ARIZONA, LLC, et al.,

Defendants.

CASE NO. 5:17-CV-511

**DEFENDANTS SWIFT  
TRANSPORTATION COMPANY OF  
ARIZONA, LLC AND AHMED A. AL-  
ATOOALI'S NOTICE OF REMOVAL**

TO THE HONORABLE JUDGES OF THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OHIO, EASTERN DIVISION:

Please take notice that pursuant to 28 U.S.C. §§ 1332, 1441 and 1446, Defendants Swift Transportation Company of Arizona, LLC and Ahmed A. Al-Atooali ("Al-Atooali"), by and through the undersigned counsel, remove this action from the Court of Common Pleas, Holmes County, Ohio to the United States District Court for the Northern District of Ohio, Eastern Division.

As grounds for their removal of this matter, Defendants Swift Transportation and Al-Atooali state as follows:

1. Defendants Swift Transportation Company of Arizona, LLC and Al-Atooali's are Defendants in a civil action brought against it in the Court of Common Pleas for Holmes County, Ohio, styled *Kathy A. Cates v. Swift Transportation Company of Arizona, LLC, et al.*, Case No. 17 CV 004. Copies of all process and pleadings in that action are attached hereto pursuant to 28 U.S.C. §1446(A).

2. Said action was commenced by service of the Complaint on Swift Transportation Company of Arizona, LLC on February 13, 2017.

3. Plaintiff is a resident of the State of Ohio.

4. Defendant Al-Atootali is a resident of the State of Michigan.

5. Defendant Swift Transportation Company of Arizona, LLC is a limited liability company registered and existing under the laws of the State of Delaware with a principal place of business in Arizona.

6. A limited liability company has the citizenship of each of its members. *Delay v. Rosenthal Collins Group, LLC*, 585 F.3d 1003, 1005 (6th Cir.2009).

7. Swift Transportation Co., LLC is the sole member of Swift Transportation Company of Arizona, LLC.

8. Swift Transportation Company, a publicly traded corporation, is the sole member of Swift Transportation Co., LLC.

9. Swift Transportation Company is a corporation registered and existing under the laws of the State of Delaware with a principal place of business in Arizona.

10. Therefore, Defendant Swift Transportation Company of Arizona, LLC is a citizen of Delaware and Arizona.

11. Plaintiff demands judgment against GE in an amount in excess of \$25,000.00. Defendants have requested that Plaintiff stipulate that Plaintiff's damages do not exceed \$75,000.00. However, Plaintiff could not agree to any such stipulation. As such, it is Defendants' good faith belief that the amount in controversy exceeds the jurisdictional amount of \$75,000.00, exclusive of interest and costs, if all of its defenses fail and if Plaintiff proves all of her claimed damages as alleged in the Complaint.

12. The within lawsuit is a controversy between citizens of different states, as to give rise to complete diversity of citizenship within the meaning of 28 U.S.C. §1332.

13. Plaintiffs demand judgment against Defendants in an amount in excess of \$100,000.00 as stated in Plaintiffs' Complaint.

14. This is a civil action brought in a state court in which the United States District Court has original jurisdiction because of diversity of citizenship.

15. Written notice of removal of this action has been given simultaneously herewith to Plaintiffs' counsel and the Clerk of Courts for Holmes County, Ohio.

WHEREFORE, Defendants Defendants Swift Transportation Company of Arizona, LLC and Ahmed A. Al-Atooali hereby remove this action from the Court of Common Pleas for Holmes County, Ohio, to this Court, pursuant to 28 U.S.C. §1441

Respectfully submitted,

/s/ Jessica Sloan

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AHMED ABDULLAH-QUAID AL-

ATOOALI AND SWIFT

TRANSPORTATION CO. OF ARIZONA,

LLC

**PROOF OF SERVICE**

I hereby certify that on this 13th day of March, 2017, a copy of the foregoing was filed electronically. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

/s/ Jessica Sloan

Bradley A. Wright

Jessica L. Sloan